IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 23057 of 2004

Between:

1. R. Subba Rao, E- 358467, S/o. Ramaiah, Working in the 2nd

respondent Depot, R/o. Vijayawada, Krishna District.
2. L. Chakravathi, E- 358452, S/o. Adhbuta Rao,
Working in the 2nd respondent Depot, R/o. Vijayawada,

Krishna District.
3 S.L.D.V. Prasad, E- 358447, S/o. Ganapathi,
Working in the 2nd respondent Depot, R/o. Vijayawada,

Krishna District.

..... PETITIONERS

AND

1 The APSRTC, Rep. by its Regional manager, Krishna

Region at Vijayawada.
2 The Depot Manager, APSRTC, Autonagar Depot, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the respondents herein in transferring the petitioners during the academic year by retaining their juniors vide Proc.No.P3/813/(01)/2004-RM/KR, dt.15-10-2004 as illegal, unjust and arbitrary and as such liable to be set aside in the interest of justice and further directing the respondents to continue the petitioners at Vidyadharapuram Depot and pass such other order or orders.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondent s: MR.R.MANMADHA REDDY

The Court at the admission stage, made the following:

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 23057 of 2004

ORDER:

Challenging the transfer order in Proceedings No.P3/813 (01)/2004-RM/KR dated 15.10.2004, passed by the first respondent, the present writ petition has been filed.

2. The learned counsel for the petitioners contended that some of the juniors to the petitioners are retained at the Autonagar Depot, and therefore, without transferring the said juniors, transferring the petitioners only is illegal.

3. Normally, this Court will not interfere with the transfer order when it was made on administrative grounds, unless some *mala fides* are attributed to the person who has ordered for transfer. Simply because the petitioners were transferred in the middle of the year and some of the juniors are continued in the same depot, the petitioners cannot be given any right to retain them at the particular station. Further more, in the transfer order itself, it is made clear that because they are found to be surplus to the requirement, they have been transferred.

4. However, on considering the facts and circumstances of the case, the writ petition can be disposed of with a direction.

5. Therefore, the writ petition is disposed of with a liberty given to the petitioners to approach the respondent-Corporation to consider their request on the ground that the children of the petitioners have been studying in college at Autonagar and the transfer is made in the middle of the academic year, and, on such a request bring made, the same shall be considered by the respondents in accordance with the Rules and Regulations of the Corporation within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ petition is disposed of. No costs.

_____ December 13, 2004

KVR

TO

1 The Regional Manager, APSRTC, Krishna

Region at Vijayawada.
2 The Depot Manager, APSRTC, Autonagar Depot, Vijayawada.

3 Two C.D. Copies.